

will be required to send a recommendation to the resource advisory council.

(A) Rangeland resource teams will not exceed 10 members and will include at least 2 persons from environmental or wildlife groups, 2 grazing permittees, 1 elected official, 1 game and fish district representative, 2 members of the public or other interest groups, and a Federal officer from BLM. Members will be appointed for 2 year terms by the resource advisory council and may be reappointed. No member may serve on more than 1 rangeland resource team.

(B) Technical review teams can be formed by the BLM authorized officer on the motion of BLM or in response to a request by the resource advisory council or a rangeland resource team. The purpose of such teams is to gather and analyze data and develop recommendations to aid the decisionmaking process, and functions will be limited to tasks assigned by the authorized officer. Membership will be limited to Federal employees and paid consultants. Members will be selected based upon their knowledge of resource management or their familiarity with the specific issues for which the technical review team has been formed. Technical review teams will terminate upon completion of the assigned task.

(3) *Model C*

(i) *Council jurisdiction.* The jurisdiction of the council shall be on the basis of ecoregion, State, or BLM district boundaries.

(ii) *Membership.* Membership of the council shall be 10 to 15 members, distributed in a balanced fashion among the 3 interest groups defined in § 1784.6-1(c).

(iii) *Quorum and voting requirements.* The charter of each council shall specify that a majority of each interest group must be present to constitute a quorum and conduct official business, and that a majority of each interest group must vote affirmatively to refer an issue to BLM Federal officer.

(iv) *Subgroups.* Resource advisory councils may form more local teams to provide general local level input to the resource advisory council on issues necessary to the successful functioning of the council. Such subgroups can be

formed in response to a petition from local citizens or on the motion of the resource advisory council. Membership in any subgroup formed for the purpose of providing general input to the resource advisory council on grazing administration should be constituted in accordance with provisions for membership in § 1784.6-1(c).

(A) Technical review teams can be formed by the BLM authorized officer on the motion of BLM or in response to a request by the resource advisory council or a local team. The purpose of such technical review teams is to gather and analyze data and develop recommendations to aid the decisionmaking process, and functions will be limited to tasks assigned by the authorized officer. Membership will be limited to Federal employees and paid consultants. Members will be selected based upon their knowledge of resource management or their familiarity with the specific issues for which the technical review team has been formed. Technical review teams will terminate upon completion of the assigned task.

(B) [Reserved]

[60 FR 9959, Feb. 22, 1995]

Group 1800—Public Administrative Procedures

PART 1810—INTRODUCTION AND GENERAL GUIDANCE

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AUTHORITY: R.S. 2478; 43 U.S.C. 1201, unless otherwise noted.

Subpart 1810—General Rules

SOURCE: 35 FR 9513, June 13, 1970, unless otherwise noted.

§ 1810.1 Rules of construction; words and phrases.

Except where the context of the regulation or of the Act of the Congress on which it is based, indicates otherwise, when used in the regulations of this chapter:

- (a) Words importing the singular include and apply to the plural also;
- (b) Words importing the plural include the singular;
- (c) Words importing the masculine gender include the feminine as well;
- (d) Words used in the present tense include the future as well as the present;
- (e) The words *person* and *whoever* include corporations, companies, associations, firms, partnerships, societies, and joint stock companies, as well as individuals;
- (f) *Officer* and *authorized officer* include any person authorized by law or by lawful delegation of authority to perform the duties described;
- (g) *Signature* or *subscription* includes a mark when the person making the same intended it as such;
- (h) *Oath* includes *affirmation*, and *sworn* includes *affirmed*;
- (i) *Writing* includes printing and type-writing as well as holographs, and *copies* include all types of reproductions on paper, including photographs, multigraphs, mimeographs and manifolds;
- (j) The word *company* or *association*, when used in reference to a corporation, shall be deemed to embrace the words *successors* and *assigns of such company or association*, in like manner as if

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these last-named words, or words of similar import, were expressed.

§ 1810.2 Communications by mail; when mailing requirements are met.

(a) Where the regulations in this chapter provide for communication by mail by the authorized officer, the requirement for mailing is met when the communication, addressed to the addressee at his last address of record in the appropriate office of the Bureau of Land Management, is deposited in the mail.

(b) Where the authorized officer uses the mails to send a notice or other communication to any person entitled to such a communication under the regulations of this chapter, that person will be deemed to have received the communication if it was delivered to his last address of record in the appropriate office of the Bureau of Land Management, regardless of whether it was in fact received by him. An offer of delivery which cannot be consummated at such last address of record because the addressee had moved therefrom without leaving a forwarding address or because delivery was refused or because no such address exists will meet the requirements of this section where the attempt to deliver is substantiated by post office authorities.

§ 1810.3 Effect of laches; authority to bind government.

(a) The authority of the United States to enforce a public right or protect a public interest is not vitiated or lost by acquiescence of its officers or agents, or by their laches, neglect of duty, failure to act, or delays in the performance of their duties.

(b) The United States is not bound or estopped by the acts of its officers or agents when they enter into an arrangement or agreement to do or cause to be done what the law does not sanction or permit.

(c) Reliance upon information or opinion of any officer, agent or employee or on records maintained by land offices cannot operate to vest any right not authorized by law.

§ 1810.4 Information required by forms.

Whenever a regulation in this chapter requires a form approved or prescribed by the Director of the Bureau of Land Management, the Director may in that form require the submission of any information which he considers to be necessary for the effective administration of that regulation.

Subpart 1812—Qualifications of Practitioners**§ 1812.1 General.****§ 1812.1-1 Regulations governing practice before the Department.**

Every individual who wishes to practice before the Department of the Interior, including the Bureau, must comply with the requirements of part 1 of this title.

[35 FR 9513, June 13, 1970]

§ 1812.1-2 Inquiries.

No person other than officers or employees of the Department of the Interior shall direct any inquiry to any employee of the Bureau with respect to any matter pending before it other than to the head of the unit in which the matter is pending, to a superior officer, or to an employee of the unit authorized by the unit head to answer inquiries.

[35 FR 9513, June 13, 1970]

Subpart 1813—Public Land Records

SOURCE: 35 FR 9513, June 1970, unless otherwise noted.

§ 1813.1 Tract books and plats.**§ 1813.1-1 Notations to records.**

(a) The authorized officer shall cause the proper notation to be made on the plats in order that the status of a tract may be readily ascertained by the person examining the plat.

(b) All withdrawals, reservations, classifications, designations, segregations and orders affecting the disposition of lands shall be noted on the tract books and plats.

(c) Use authorizations in excess of 1 year and other leases, easements and permits shall be noted on the tract books and plats upon issuance. Title transfers shall be noted upon issuance of patent.

[47 FR 32130, July 26, 1982]

§ 1813.1-2 Filing of township plats.

(a) After acceptance of a survey, the original plat thereof will be returned to the State Director, the duplicate plat will be retained in the files of the Bureau of Land Management in Washington, D.C., and the triplicate plat will be forwarded to the proper office. The plat will be placed on record in the open files of the respective offices immediately upon receipt thereof and will then be available to the public as a matter of information only with respect to the technical data and descriptions appearing thereon; copies of such plat and the related field notes will be furnished upon request and payment of the costs as provided in § 2.4 of this title. When the authorized officer of the proper office is instructed to file the plat without the usual public notice, such plat will be regarded as officially filed in his office on the date of receipt.

(b) If public notice of the filing of the plat is to be given, the authorized officer shall prepare the notice for publication in the FEDERAL REGISTER.

§ 1813.2 Serial register.**§ 1813.2-1 Inspection of serial register.**

The serial register is a public record and may be reasonably inspected by any person, provided such examination may be made without interfering with the orderly dispatch of public business. Should the authorized officer ascertain that any person is obtaining information therefrom for improper purposes, he will deny such person further access thereto.

§ 1813.3 Production of records in court.**§ 1813.3-1 Statutory authority.**

Whenever, pursuant to the Act of April 19, 1904 (33 Stat. 186; 43 U.S.C. 13), the authorized officer shall be served with a subpoena duces tecum or other

valid legal process requiring him to produce, in any United States court or in any court of record of any State, the original application for entry of public lands or the final proof of residence and cultivation or any other original papers on file in the Bureau of Land Management on which a patent to land has been issued or which furnish the basis for such patent, it shall be the duty of such authorized officer to at once notify the Director of the Bureau of Land Management of the service of such process, specifying the particular papers he is required to produce, and upon receipt of such notice from any authorized officer the Director of the Bureau of Land Management shall at once transmit to such authorized officer the original papers specified in such notice, and attach to such papers a certificate, under seal of his office, properly authenticating them as the original papers upon which patent was issued. The said act also provides that such papers so authenticated shall be received in evidence in all courts of the United States and in the several State courts of the States of the Union. (33 Stat. 186; 43 U.S.C. 13)

CROSS REFERENCE: For testimony of employees and use of books, records and files in judicial and administrative proceedings, see part 2 of this title.

Subpart 1815—Disaster Relief

AUTHORITY: Sec. 242 (a), (b), Disaster Relief Act of 1970, 84 Stat. 1744.

SOURCE: 36 FR 15534, Aug. 17, 1971, unless otherwise noted.

§ 1815.0-3 Authority.

Disaster Relief Act of 1970 (84 Stat. 1744).

§ 1815.0-5 Definitions.

Major disaster means any hurricane, tornado, storm, flood, high water, winddriven water, tidal wave, earthquake, drought, fire, or other catastrophe in any part of the United States, which, in the determination of the President, is or threatens to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement the efforts and available resources of States, local governments, and relief organiza-

tions in alleviating the damage, loss, hardship, or suffering caused thereby, and with respect to which the Governor of any State in which such catastrophe occurs or threatens to occur certifies the need for Federal disaster assistance and gives assurance of the expenditure of a reasonable amount of the funds of such State, its local governments, or other agencies for alleviating the damage, loss, hardship or suffering resulting from such catastrophe.

§ 1815.1 Timber sale contracts.

§ 1815.1-1 Relief granted.

(a) Where an existing timber sale contract does not provide relief to the timber purchaser from major physical change, not due to negligence of the purchaser, prior to approval of construction of any section of specified road or other specified development facility and, as a result of a major disaster, a major physical change results in additional construction work in connection therewith, the United States will bear a share of the increased construction costs. The United States' share will be determined by the authorized officer as follows:

(1) For sales of less than 1 million board feet, costs over \$1,000;

(2) For sales of from 1 to 3 million board feet, costs over the sum of \$1 per thousand board feet;

(3) For sales of over 3 million board feet, costs over \$3,000.

(b) Where the authorized officer determines that the damages caused by such major physical change are so great that restoration, reconstruction, or construction is not practical under this cost-sharing arrangement, he may cancel the timber sale contract notwithstanding any provisions thereof.

§ 1815.1-2 Applications.

(a) *Place of filing.* The application for relief shall be filed in the office which issued the contract.

(b) *Form of application.* No special form of application is necessary.

(c) *Contents of application.* (1) The date of issuance of the contract and any identification number.

(2) The particular disaster and its effect upon contract performance.

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(3) An estimate of the damages suffered.

(4) A statement of the relief requested.

(5) An estimate of time which will be needed to overcome the delay in performance caused by the disaster.

PART 1820—APPLICATION PROCEDURES

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1821.2-1 Office hours; place for filing.

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Subpart 1821—Execution and Filing of Forms

AUTHORITY: R.S. 2478, 43 U.S.C. 1201; 43 U.S.C. 1740, unless otherwise noted.

SOURCE: 35 FR 9514, June 13, 1970, unless otherwise noted.

§ 1821.1 Names of claimants.

Full names of claimants must appear in applications, final certificates, and patents.

§ 1821.2 Office hours; place for filing; time limit.

§ 1821.2-1 Office hours; place for filing.

(a) The hours during which the offices set forth in paragraph (d) of this section shall be open to the public for the filing of applications and other documents and the inspection of records shall be prominently displayed in each office.

(b) Applications and other documents cannot be received for filing by the authorized officer out of office hours, nor